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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)
12)
Plaintiff,)
13 vs.)
14 STANLEY ADAMS,)
15)
Defendant.)
16

No. CR-06-70380 WDB


17 **STIPULATION AND [PROPOSED]**
18 **ORDER CONTINUING DATE FOR**
19 **CHANGE OF PLEA AND SENTENCING**

20 Current Date: January 30, 2007
21 Requested Date: February 28, 2007
22

23 Stanley Adams is charged in the Western District of Michigan with a violation of 18
24 U.S.C. § 228(a)(1), a class B misdemeanor, for wilful failure to pay child support. Mr. Adams
25 and the United States Attorneys' Offices in the Western District of Michigan and the Northern
26 District of California have agreed that Mr. Adams will plead guilty in the Northern District of
California pursuant to Federal Rule of Criminal Procedure 20, and the parties have a plea
agreement.

Change of plea and sentencing were delayed because the Michigan Friend of the Court
office, which handles child support and has jurisdiction over Mr. Adams' child support
obligation, had not yet finalized the modification originally requested by Mr. Adams on July 5,

1 2006. However, the Michigan court held a hearing on Thursday, January 25, 2007, which was
2 attended telephonically by both Mr. Adams and undersigned counsel. The modification was
3 approved, and the parties are now waiting for the final order. The final order will modify the
4 amount of arrears (and thus will affect the federal restitution) because it will change the amount
5 owed by Mr. Adams since last July. It is hoped that the final order will take no longer than a
6 week or two to be completed. Mr. Adams has been timely paying monthly support since the
7 modification was tentatively approved, which was in the end of November.

8 In addition, one final thing must be accomplished before the amount of arrears is
9 established. Specifically, arrears should not have accumulated during the time Mr. Adams spent
10 in custody over the past five years. Some of the arrears for that time period are owed to Mr.
11 Adams' ex-wife, and those arrears cannot be modified *nunc pro tunc* unless she consents, which
12 the parties do not expect to happen. However, other of the arrears for that time period are owed
13 to the State of Michigan. The State has told undersigned counsel that it will forgive those arrears,
14 but has refused to take steps to do so until the modification process was complete. Now that the
15 modification is finalized, it should take no more than a few weeks for the State to adjust the
16 arrears. The State has also acknowledged that it made a \$51,214 error, discovered by Mr. Adams
17 and counsel, and has agreed to reduce the final arrears order by this amount, as well.

18 For all of these reasons, the parties hope and expect that Michigan will be able to provide
19 documentation reflecting the final amount of arrears (and thus the final amount of restitution to
20 be ordered in Mr. Adams' federal case), within a month. The parties therefore jointly request
21 that the next appearance be continued to Wednesday, February 28, 2007 at 10:00 a.m. for
22 arraignment on information, consent to proceed before the magistrate, change of plea and
23 sentencing.

24 To the extent that Mr. Adams has a speedy trial right for this Class B misdemeanor, Mr.
25 Adams and the government stipulate that time should be excluded under the Speedy Trial Act, 18

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U.S.C. § 3161(h)(8)(A) and (B)(iv), because additional time is needed for effective preparation of counsel, taking into account the exercise of due diligence, due to the delays in Michigan.

SO STIPULATED.

/S/

Date: 1/25/07

Rebecca Sullivan Silbert
Assistant Federal Public Defender

/S/

Date: 1/25/07

Michelle Morgan-Kelly
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because of the delays in Michigan in calculating the accurate arrears. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to Wednesday, February 28, 2007 at 10:00 a.m. for arraignment on information, consent to proceed before the magistrate, change of plea, and sentencing, and that time is excluded from January 30, 2007, to February 28, 2007, pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Date

1/29/07

Honorable Wayne D. Brazil
Magistrate Judge, United States District Court
Northern District of California